



www.tiaonline.org

10 G Street, NE, Suite 550
Washington, DC 20002

Tel: +1.202.346.3240
Fax: +1.202.346.3241

May 4, 2010

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Ex Parte* Notice

Contributions to the Telecommunications Relay Services Fund, CG Docket No.
11-47

Dear Ms. Dortch:

The Telecommunications Industry Association (TIA) hereby submits this *ex parte* communication in response to the Commission's above-referenced *Notice of Proposed Rulemaking*.¹ As noted in its comment to the Commission on the implementation of Section 716 and 717 of the Communications Act of 1934, as enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA),² TIA has concerns with the Commission's proposal to require non-interconnected voice over internet protocol (VoIP) services to report their interstate end-user revenues as "telecommunications revenues" on the FCC Form 499-A.³ TIA believes that requiring non-interconnected VoIP providers to report telecommunications relay service (TRS) revenues under Block 4 of FCC Form 499-A is at odds with the intent of Congress and confusing as to the classification of non-interconnected VoIP.

¹ *Contributions to the Telecommunications Relay Services Fund*, Notice of Proposed Rulemaking, CG Docket No. 11-47 (rel. Mar. 3, 2011) (NPRM).

² Comments of TIA, CG Docket No. 10-213, WT Docket No. 96-198, CG Docket No. 10-145 (filed Apr. 25, 2011) at 9.

³ NPRM at ¶ 19.

In the CVAA, Congress did not classify non-interconnected VoIP as a telecommunications service. Instead, it created a separate section that gave the Commission the authority to require non-interconnected VoIP providers to contribute to the TRS.⁴ Despite this, the Commission notes as part of its proposal in the NPRM that “[r]equiring providers of non-interconnected VoIP services to report interstate end-user revenues as “telecommunications revenues” would be consistent with how interconnected VoIP providers have been reporting assessable revenues on the FCC Form 499-A.”⁵ The Commission should ensure that it maintains the clear distinction that Congress has made in the CVAA by avoiding a requirement for non-interconnected VoIP providers to report TRS revenues in Block 4, where interconnected VoIP providers reports theirs.

TIA suggests a better approach is to require non-interconnected VoIP providers to report their TRS revenues under Block 5 (“Additional Revenue Breakouts”) of FCC Form 499-A because non-interconnected VOIP is not a telecommunications service, and Congress has not classified it as such in the CVAA. Furthermore, towards this end, TIA urges the Commission to add a new category to Block 1, Line 105 (“Telecommunications activities of filer”) titled “Non-Interconnected VoIP TRS.” Implementing these changes to FCC Form 499-A will clearly reflect that Congress did not classify non-interconnected VoIP as a telecommunications service as well as avoid confusion as to the classification of non-interconnected VoIP.

Respectfully submitted,

By: ____/s/_____

Danielle Coffey
Vice President, Government Affairs

**TELECOMMUNICATIONS
INDUSTRY ASSOCIATION**
10 G Street N.E., Suite 550
Washington, D.C. 20002

⁴ 47 U.S.C. § 715.

⁵ NPRM at ¶ 19.

(202) 346-3240